

Revised 03/06 WDNY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)

12

CV

0475

A(M)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name And Prisoner Number of Plaintiff: **NOTE:** If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. Jerome Thompson #08-A-4742 Attica corr, facility
2. Box 149 Attica N.Y. 14011

-VS-

B. Full Name(s) of Defendant(s) **NOTE:** Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. Governor Andrew Cuomo
2. Commissioner Brian Fischer
3. Superintendent Bradt or ATTICA CORR, INC
4. Captain Robinson, ATTICA CORR, INC
5. Sgt. L. Mitchell, ATTICA CORR, INC
6. Cpl. J. Koenigsman, ATTICA CORR, INC

"18 Defendants" a copy of each defendant is on a sheet of paper inside this motion 12 more names.

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1333(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION **NOTE:** To list additional plaintiffs, use this form on another sheet of paper.

Name and Prisoner Number of Plaintiff: Jerome Thompson #08A4742 Attica corr, Inc
Present Place of Confinement & Address: 639 Exchange Street, Attica N.Y.
14011-0149

Name and Prisoner Number of Plaintiff:

Present Place of Confinement & Address:

Sworn to before me this — day of —
Notary Public #1



DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: C. O. Tompkinski

(If applicable) Official Position of Defendant: Correctional Officer

(If applicable) Defendant is Sued in yes Individual and/or Official Capacity

Address of Defendant: Attica, corr, fac, workers Attica N.Y. 14011
Box 149 asking for \$7,500 dollars

Name of Defendant: C. O. Basworth

(If applicable) Official Position of Defendant: Correctional officer

(If applicable) Defendant is Sued in yes Individual and/or Official Capacity

Address of Defendant: Attica, corr, fac, Attica N.Y. 14011
Box 149 asking for \$8,500 dollars

Name of Defendant: C.O. "K" Shearing

(If applicable) Official Position of Defendant: _____

(If applicable) Defendant is Sued in yes Individual and/or Official Capacity

Address of Defendant: Attica corr fac Attica ny 14011 Box 149
asking for \$7,500 dollars

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
 Yes No

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes No

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to exhaust administrative remedies;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

plaintiff

defendant

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes No

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. District Court: _____

3. Docket Number: _____

4. Name of District or Magistrate Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes No

If not, give the approximate date it was resolved. _____

(1)

UNITED STATES, DISTRICT
COURT WESTERN DISTRICT
OF NEW YORK STATECIVIL ACTION NO. _____
ComplaintJEROME THOMPSON
plaintiff,

-V-

Albany New, York, Gov. Cuomo
comm, B. Fischer, Attica corr,
Fac, Superintendent, Bradt, Captain
Robinson, Sgt. R. Mitchell, C.O. K,
MORRIS, C.O. M, Masacco, C.O. Tomasz-
owski, C.O. Mordacz, Medical STAFF,
DOCTOR MS GAFT, RN Hawley R. G. L. T.
R. WASSINK
~~Attica Warden, C.O. Name~~
~~KOENIGSMANN, C.O. Name~~ CARI
KOENIGSMANN, M.D. Deputy, comm,
CHIEF medical OFFICERC.O. BOSWORTH, C.O. K, Shearings, C.O. M.R.C.
D.D.S Hughes, quarantine Sgt, Check Record

This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivations, under color of state law, of rights secured by the Constitution of the U.S. The court has jurisdiction under 28 U.S.C. Section 1331 and 1333 (A)(3). Plaintiff Thompson seek declaratory relief pursuant to 28 USC Section 2201 and 2202. Plaintiff Thompson alone for injunctive relief are authorized by 28 U.S.C. Section 2283, 2284, Rule 65 of the Federal Rules of Civil Procedure.

The western district of New York State, is an appropriate venue under 28 U.S.C. Section 1331 (B)(2) because it's where giving rise to this claim occurred.

Plaintiff "Jerome Thompson" is and was at all times mentioned herein a resident of the state of New York in the custody of the Attica Department Corrections. He's currently confined in Attica State prison, Attica New York.

"Defendants"

Albany New York State, Gov A. Cuomo, Comm, B. Fischer, Attica CORR Fac, Superintendent Bratt, Captain Robinson, Sgt R. Mitchell, C.O. K Morris, M. Masaro, C. Tompolowski, C.O. Mordacz, Medical STAFF, DR GACT RN ^{WASSINK} Hawley, R.N. ~~Carl Koenigsmann MD, Deputy comm chief medical officer, C.O. Bosworth, C.O. K Sheehan, M.R.C., DDS Hughes, Quarantine Sgt who released me after 72 hours lock down check Record for his name.~~

Each defendants is sued individually and in his "official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

"The Facts"

① I "Jerome Thompson" the "plaintiff" would like to explain myself and the reasons for this Civil Action; why? I'm not happy to say I have three STATE # numbers, 87, 00, now 08, And Never had Any MATORS, Misbehavior Reports, "Never"! And if I am "guilty" of anything it's writing lots of "grievances" All ground the STATE OF CORRECTIONAL Facilitys for anything that violate my CONSTITUTIONAL prison rights.

② ON 3-5-12, I Jerome Thompson ARRIVED here from Auburn, CORR, Fac, on an (PC) or "protected custody" transfer to office, CORR, Fac day one here at this Facility it was a mistake, because 1989 year I was here doing time under my 1987 STATE # 87A-8704 - 87A-5-404 DIN Number And I was Robbed And STABBED twice in my back, so Albany, Mordacz's classification are in fact in error for sending me back to this same tunnel situation. when I was reviewed by the Quarantine Sgt, who released me after the 72 hours lock down, he told me everything about myself from nowadays to back in 1989 he check the computer on me, told me no "grievances" will help me here in "office" I was very much intimidated, From that day on 3-8-12 or 3-9-12 release date from quarantine he in fact told C.O's about me, because they came to my cell location And told me about being

② An "Asshole" is what they do to Rats & switches, because in 1989 I wrote a few inmates up and putting pressure on weaker inmates for drugs and comivity, see one guy on my company 2-5-company A-Block wife, came see him to bring his children he was afraid of Tally the porter. So I wrote the guy up to a "captain wolf" who worked here at the time in 1989, he show Tony my letter. Now I'm the only person at the time who got Colon pens, he's the porter so he walk around the company look into other inmates cells I never try to hide my cup or pens. He had told me what happen with "captain wolf" who now no longer work here in Africa showing him my letter letting him read it setting me up to be hurt which happen two days later.

(3)

NOW I couldn't tell Albany NY movement's classification to move me out of here so I wrote to D.D.S Hughes asking for P.C. he "never" contacted me or send someone to talk to me on this matter or issues, I have and they move me from C-Block were an inmate was beaten and had to "A-Block" were I was "stab" almost 23 yrs ago. I tryed my very best to stay away from anythings that'll cause me problems, but on 3-19-12 the problem came to me, A-Block- finger stick - "insulin" time a C.O. K Shaving jumped out of her chair stick in handle like I did something wrong and I asked her what's the problem was her exact words was you better do something with your nail at my insist, I told Ms Shaving I just got here from Arburgh, C.C. and didn't go to comivity yet to buy a clipper to cut my nails. she told me to bite them off I smiled at her to show I have no teeth to do what she had requested. So she also very upset at me it's personal. Now so on 3-19-12 that evening Rec time, she ^{waited} in the exit for me with 5-Fire Officers to balance me on my way out to rec, send me back to my cell. lock me up for direct order "106.10". She never gave me an direct order to do anything, I would have comply because my time to go home was within 7 1/2 months at the time of that incident so I would never bring myself any under wanted problems. "Release date 11/14/12"

(4)

I wrote Superintendent Bratt explaining my situation on the matter and how the L.T. hearing which was an lady conducted the hearing was wrong and bias on my behave, At the hearing when I was explaining my case she rolled her eyes At her officer named "Bosworth" who later on caused me more problems by deny me my Key-Lock- shower on 3-28-12 And before this incident he would deny me chow before I was key-locked on 3-19-12 so he kept pushing me to complaint about his misconduct toward me and I wrote him up on 3-28-12 an "grievance" to Albany and Superintendent Bratt Gov. A. Cuomo As well, he never wrote me back on any of my issues why? I would like to know? but Commissioner "Fischer" don't write back neither, but he always have someone under him try to help out, they send a copy of these letters to the "Facility" to let them know Mr J Thompson has wrote us again on whatever the case is on my complaint. I write Albany on any things I address on my "grievance" because if I had family I would call them to have them complaint to Albany unfortunately both parents passed away and everybody else is out of new york city down south out of state so I have to attack every situation on my own. No help from outside world,

(5)

NOW ON 4-8-12 I Jerome Thompson the complained was Attacked by Sgt R. mitchell, Co. K Morris, Co. masocco, Co. Temporowski, Co. mordack in A-Block lobby on the above date at 7:58 Am. But I wrote up the situation on March 19, 2012 I have Exhibit "A" letter from DC, To. Seph. E. Belliner From Albany NY the letter telling him about an plot, i. conspiracy to place a weapon in my cell or on me, But on 4-8-12, I gave my cellmate the opportunity to sleep on my bottom bunk for one night on 4-7-12 so on 4-8-12, He had to move back up to his bunk, He a young man 23 yrs. old 5'6 or 7, 110 to 150 lbs, I'm 49 yrs old 6'0 5'11, 200 lbs. To 210 lbs. The reason for this description of me, i. my bunk is because on 4-8-12 we had an struggle in our cell At about 7:50 Am on 4-8-12 no one was hurt. There was no fighting, He hit me with a can good in a pillow case

(6)

But "MR DISCAN, Woods #10-B-3478 - inmate" only hit me one time before I grab his hands to disarmed him when he reached to his left leg and pull-out a weapon and swing it at me. I refuse to die in jail or prison I'm not a coward or anything but I know "God is good", I'm blessed I go home NOV 14-2012, so I ran out to set the C.O. know this man Discan Woods #10-B-3478 has an weapon, CO K, MORRIS Fabricated an misbehavior Report on 4-8-12 Exhibit "B" writing Rules violation on me 10013 Fighting 106-10 Direct order 104.11 Violent conduct, NONE OF THESE ABOVE Rules was violated by me, because again at

7:58 Am Sgt R. Mitchell on another misbehavior report I had a weapon on A-Block Lobby which is 5 or 6 step from the company of 1, so were the incident supposed to happen that K morris wrote up on his misbehavior Report on me, on 4-8-12 At 7:58 Am please make me understand did time STOP on 4-8-12 because I can't understand how both misbehavior Report can take place and the clock is ticking, on Record C.O. K morris testified he never saw an weapon in my hands or me wonch hand. But Sgt, R. Mitchell wrote that his OFFICERS told him what happen he never question them on the validity of how I made it pass C.O. K morris with weapon in hand At 7:58 Am Sgt R. Mitchell made on Report charging me with 10011 Assult on 113-10, possession of a weapon 104.13 disturbance 104.11 violent conduct 106.10 Direct order, ~~on~~ "type" dated 4-13-12 I plea guilty to one charge 104.13 disturbance because when these officers beat me I CRYed, I shouted out in pain then being ASSAULTED by these officers I was taken ^{to} the clinic then to the hospital for three (3) days. I couldn't walk these OFFICERS hit me on my legs with their night "STICK" my rights was in fact violated "Excessive Force" by person year's conguition cruel & unusual punishment. IN A very important Supreme Court CASE called Hudson v. McMillian 503 U.S. 1 incident the court found a violation of the 8th eighth Amendment when prison officials punched and kicked a prisoner leaving him with minor bruise swelling of the face like myself will produce Pictures when asked for them Exhibit "C"

2002-07

NYS Department of Correctional Services
DIAGNOSTIC TESTING NOTIFICATION
(NOTIFICACION DE PRUEBA DE DIAGNOSTICO)

NAME Thompson, JEROME DIN 08A 4742 6
 (Nombre)
 FACILITY ATTICA CORRECTIONAL FACILITY CELL LOCATION RB-CE-002
 (Institución)
 REVIEWED BY DR. M. R. M. DATE 4/16/12
 (Revisado por) (name & provider #) (Fecha) (MM/DD/YY)

THIS IS TO INFORM YOU THAT THE RESULTS OF THE TESTING CHECKED BELOW:
 (Sirva éste para informarle que los resultados de la prueba identificada a continuación)

LEFT ANKLE & SKULL
 X-RAY LAB TESTING OTHER
 (Rayos-X) (Prueba de Laboratorio) (Otro)

PERFORMED ON 4-9-12 WERE REVIEWED BY A PRIMARY CARE PROVIDER.
 (ejecutada en) (La revisó un profesional del cuidado primario.)

NO ACTION IS REQUIRED AT THIS TIME.
 (No se exige acción en este momento.)

REPORT TO SICK CALL.
 (Repórtese a Cita por Enfermedad.)

FOLLOW UP WILL BE ARRANGED WITH A PRIMARY PROVIDER.
 (Se harán arreglos para seguimiento con un profesional del cuidado primario.)

FOLLOW UP WILL BE ARRANGED WITH A SPECIALIST.
 (Se harán arreglos con un especialista.)

(7)

(Facts & Details)

of
the Event

on (4-8-2012)

On 4-8-12 I Jerome Thompson #08A4712 plaintiff in this matter was in fact framed or set-up for a fabricated misbehavior report worked up on me. On 4-8-12 I had a misunderstanding with my bunkie D'Sean Woods #10-13-3478 it was about him sleeping on my bottom bunk I informed him he had to move back up to his bunk over me. he did like the way I present myself early in the morning telling him to do so he got up and reached to his bunk pillow-case with can goods inside hit me one time across hit. I reacted jumped up grab his arms disarmed him he reached to his left leg pull out another weapon, now I'm to reach to ~~Hold on~~ 1 anymore I pull-out open cell to C.O. M. MASOCO in lobby of A-Block No C.O. K morris around to see none of this incident, He in fact fabricated his report on 4-8-12, C.O. M. MASOCO told me to hit the floor lay belly down arm out front not to your side he twisted my left ankle while C.O. MOKDACK hit me with his stick on my legs, C.O. Tomporowski got his knee in my back pushing both side of my face I kept turning my face to try and avoid the attack on me & assault on me as well I feared for my life, I still do, while I was being beaten by those C.O.s ~~she~~ The R.N. WASINK stand in the door way watched and laugh at the attack on me after the attack on me she came to the clinic to see the damage done to me & smiled lavished more (why?) because I wrote her up to ALBANY for her refusing me insulin on many occasions to MR. CARL J KOENIGSMANN A copy of the letter & since inside these documents exhibit "A" now while in the hospital I Jerome Thompson complained about my head, Back, legs ankle, skull

(8)

A lady doctor named D Graf had them do x-ray on me 4-9-12
 please see Exhibit "B" - she never gave the doctor a chance to fully
 look at my back at all. Now C.O. Tomarcowski is not a little man
 he weight at least 290 LBS OR MORE plus he KICK me in my
 private area so I was hurting down there also, she's A woman
 I only wanted to tell a male doctor but I never was return to
 the X-Ray to see him I was Kicked out the hospital three
 days later, by DR. Graf. And two C.O.'s I wasn't going to contest
 her when asked me I'm okay to leave, I'm not going to deal
 with being attacked again by them saying I refused a direct
 order from them. I'm in a no "win" situation Temp for
 my life to much turmoil going on I don't need any more pain
 to my body or mind so I comply to every wish they asked for
 I'm not going to disagree with them At All, Now I would like to
 put this on record R.N. Warsink, come up here to do insulin (two 2)
 (three 3) times a week I'll refuse her services (why?) because
 I informed her my arm are still hurting to put insulin shots
 IN Left arm instead of right she laughed and put it in the
 "Left" "Arm" @ 4:16 C.O.'s witness her lack of communication on her
 behalf toward me and I informed me to talk to a Sgt. for her
 lack of communication C.O. Named Bleark I think his name spelled
 this way but he work (4 four) TO (5 five) times a week S.H.U
 C-E-2 call for witness IF needed I also informed
 R.N. Harvey about seeing a doctor he is male person, not female he
 never had me put on the call out to see doctor for my back
 AFTER (5)-Request to see doctor here saw him to this day
 OF writing 4/30/12 From 4/8/12 I'm still waiting 22 days NO
 one come to see me for my PAIN in back "area" NO pain killer
 X-RAYS OR Nothing else This in fact cruel & unusual punishment
 8th Amendment violation PAIN & more PAIN I can't take it anymore
 but I'm forced to deal with my PAIN to this day /

(9)

ON 4-8-12 SGT. R. Mitchell Fabricated A STORY for each one of his OFFICERS consolidating them together to cover them & himself because he was the SUPERVISOR of my Assault on me, so to cover himself and officers he wrote the misbehavior Report but claim on tape he wasn't their but He told me he back Any story his officers tell him my question to him (why?) didn't his officers write this report themselves. He did so to cover their "attack" on me, AND HIS Neglect on his behalf, plus he want keep his SGT "Job" & "pay" so he'll Fabricate to do so by any means NECESSARY Bottom line SGT R. Mitchell lie on me for his officers I ASK FOR \$7,500 dollars from him

(10)

Captain Robinson hearing officer conducted the hearing not mine, the way he said fit for him not me he dictated every win for himself & his STAFF please listen to tapes 4-12, 4-13 4-14, 4-16, 2012, I never had a chance to win, but I pleaded guilty to one charge on the misbehavior report 104:13 Disturbance yes I plea guilty to the charge of 104:13 which mean; End of the quiet STATE, plus, upset, & trouble, plus, interrupt yes three to four officers beat me, twisted me so bad I made plenty noise to cause an disturbance and asked Captain Robinson who show picture of an weapon I never did my "life" didn't show pictures of me in any bad condition to his officers to show my "state" of being he refused, to do so making this a one sided case for him & D.O.C. I ask for \$10,000 from him! dollars

(10)

Day one I Jerome Thompson #08-A-4742, plaintiffs
 Grievanced a few things in the state of New York
 never the same issues and I also send any
 of my complaints to Governor "Andrew Cuomo" so I
 can hear his opinion on each & every matter to see
 if he see my merits on my complaints and write
 me back & the facility in which I was being held in
 to either make them stop harassing me or move me
 to another facility eitherways I would have been
 "Content" with a decision from him, But he never ever reply
 to me this "assault" could have been "prevented" after
 the "Facility" in which I was in "attica" would have been
 thinking lots more different after being aware of me
 in some type of contact with "Mr Cuomo Governor" I
 wrote to him on 3-28-2012 about my 8th amendment rights
 dealing with an issues with an officer named Mr C,
 is what inmates called him from A-Block 6 Company
 who work the 3 TO 11 tour he is an "regular" worker for
 the company he denied me the opportunity to eat 3-29-
 2012 and yes I wrote an grievance to Albany N.Y.S
 "Commissioner B. Fischer" because I was very much victim-
 added by him he was retaliating for C.O. Barthworth
 I Grievanced him for a Shower while on keep lock
 for an Misbehavior report by C.O. K, Sheary for
 my finger nail being to long I wrote her up for
 passing me I ask for \$5,000 dollar from Governor
 Cuomo \$5,000 dollar Mr. C \$7,500 C.O. K. Sheary /
 in the year further if anybody write him if
 he's to busy to reply then I pass it down to the
 Lt. Governor to make the facility know the inmate
 is in contact with them.

Lack of Communication
 on his behalf

(12)

on 4/25/12. I Jerome Thompson # 08A4742 informed male R.R. Hawley that I was in need of my medication I turn in my sick-call request form indicating what I needed he gave me two of these medication I requested these for my health condition he gave me metformin, ENALAPRIL, and didn't provide my notes, please check my medical record to see I receive (3) three kinds of medication high blood pressure, diabetes, a pill to control my diabetes as well please check medical record (3) kinds of medication I take now Hawley is very disrespectful, unprofessional with me (why?) I write up his co-worker R.N. Ms. Wassink please see Exhibit "A" in my complaint. Please understand I informed Mr. R.R. Hawley on many occasions on sick-call requested slip of in conversation one on one to please have me to see doctor for my back pain I could barely move most time to get out of my bed for the correctional court (two 2) times daily he refuse to pass my request to the doctor I came to S.H.U. on or about 4/11/12 or 4/12/12 and today is 4/25/12 still in pass my rights to medical treatment deny and I feel Mr. Carl J. Koenigsmann M.D. Albany have full knowledge of my situation see Exhibit "A" I keep him informed of each every incident I truly feel he don't want to hear from me anymore he informed me by my division, R.H.S.A to use grievance I always put my complaints in a grievance form before Albany receive copy's of grievance on complaints (why?) I don't have family calling any facility that I'm "detain" in so I hope the courts understand my quest to prevail each and every situation going on with myself and to show the courts how I'm being denied medical treatment by me, R.R. Hawley, Ms. R.N. Wassink, doctor Ms. D. Graf, Carl J. Koenigsmann M.D. Albany N.Y. I'm bringing this law suit to each and everyone of these unprofessional peoples and asking for \$7500 each person in my 1983 complaints

Thank you Jerome Thompson
08A4742

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Please Take Notice;

In this document of 1983 motion, each defendant is being sued as individual, starting with governor, Andrew Cuomo \$100,000 asking for \$5,000 dollar from him, Commissioner Brian Fischer \$5,000 dollar, Superintendent Bratt of attica corr for \$5,000 dollar, Captain Robinson \$10,000, Sgt R. Mitchell \$7,500, C.O. Tomporowski \$7,500 dollar, C.O. Basworth, \$8500 C.O. K. Shearing \$7,500 C.O. M.R.C. \$7,500, D.D.S Hughes \$6,500 quarantine Sgt, who released me to Attica population \$8,500 dollar, doctor ms graft \$7,500 R.D. Wassink \$7,500 R.H. Hawley \$7,500, Carl S. Koenigspain M.D. Deputy comm, chief medical officer \$7,500 dollars, I would truly like each one of these defendant to Contest the charges that I bring to them in an jury trial by an judge. please contest me as the plaintiff Jerome Thompson #08-A-4742.

Thank You Very Much
For Your Time

Yours Truly

Mr Jerome Thompson
08-A-4742

Attica Corr Facility
Attica N.Y. 14011
Box-149

FORM 2078

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES
SHU PROPERTY PROCESS FORM

This form is to be used to secure, pack and transport the property of an inmate who is moved to SHU

INMATE'S NAME <i>THompson</i>	DIN # <i>08A4742</i>	CELL LOCATION <i>6-38</i>	TODAY'S DATE <i>4-5-12</i>
DATE INMATE MOVED <i>4-5-12</i>	DATE AND TIME PACK-UP COMMENCED <i>4-8-12</i>	DATE AND TIME TRANSPORTED TO SHU	INMATE'S SHU CELL LOCATION

Was a TV present in the cell? yes no. (If yes) I have tagged the TV with the inmate's name and number and secured it in a designated storage area until the inmate is released from SHU.

I have bagged every property item found in this inmate's cell/cube and secured it in # bags.

I found the following items damaged *No*

All of this property was transported to *Cell*

Packing Officer

Leibowitz

(PRINT NAME)

BT

(SIGNATURE)

I have received and secured # bags of property on / / at : (AM) (PM).

SHU Receiving Officer

(PRINT NAME)

(SIGNATURE)

IF POSSIBLE, THE FOLLOWING ITEMS LISTED BELOW WILL BE PACKED IN BAG #1.

Yes No

- 1 pair eyeglasses (prescription only)
- 1 hearing aid (prescription only)
- dentures
- prescription meds as authorized by medical staff
- denture cleanser (effervescent tablet form only)
- deodorant (mennen only)
- 1 religious book
- 1 prayer rug
- 1 religious medal and chain
- 1 prayer shawl
- tefillin
- talit katan
- 1 kufi or yarmulke
- rosary beads
- 1 plain wedding band

Yes No

- photographs & photo albums
- personal mail
- address book (no spiral binding)
- stamps
- carbon paper
- 1 calendar (no spiral binding)
- personal legal materials (papers, transcripts, briefs)
- books, magazines, & newspapers
- legal books & publications
- 1 shampoo
- plastic pail
- shower slippers
- 1 shaving cream/soap

Yes No

- 1 unsealed medicine bag
- 1 rosette
- 1 small pouch of sacred herbs
- All State Issue
- T-Shirts
- Socks
- Winter Coat
- Underwear
- Sweatshirts
- Pants
- Shirts
- Knit Cap

Distribution: White - DSS (to be held until the inmate is returned to general population)

Canary - IRC (inmate's folder)

Pink - SHU File

Golden - Inmate

did the following to me (briefly state what each defendant named above did):

The constitutional basis for this claim under 42 U.S.C. § 1983 is:

The relief I am seeking for this claim is (briefly state the relief sought):

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? Yes No If yes, what was the result?

Did you appeal that decision? Yes No If yes, what was the result?

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so:

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above

Do you want a jury trial? Yes No

A. FIRST CLAIM: On (date of the incident) _____
defendant (give the name and position held of each defendant involved in this incident) _____

did the following to me (briefly state what each defendant named above did): _____

The constitutional basis for this claim under 42 U.S.C. § 1983 is: _____

The relief I am seeking for this claim is (briefly state the relief sought): _____

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? _____ Yes _____ No If yes, what was the result? _____

Did you appeal that decision? _____ Yes _____ No If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: _____

A. SECOND CLAIM: On (date of the incident) _____
defendant (give the name and position held of each defendant involved in this incident) _____

did the following to me (briefly state what each defendant named above did): _____

The constitutional basis for this claim under 42 U.S.C. § 1983 is:

The relief I am seeking for this claim is (briefly state the relief sought):

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? Yes No If yes, what was the result?

Did you appeal that decision? Yes No If yes, what was the result?

Attach copies of any documents that indicate that you have exhausted this claim:

If you did not exhaust your administrative remedies, state why you did not do so:

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Do you want a jury trial? Yes No

A. **FIRST CLAIM:** On (date of the incident) _____
defendant (give the name and position held of each defendant involved in this incident) _____

did the following to me (briefly state what each defendant named above did): _____

The constitutional basis for this claim under 42 U.S.C. § 1983 is: _____

The relief I am seeking for this claim is (briefly state the relief sought): _____

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? _____ Yes _____ No If yes, what was the result? _____

Did you appeal that decision? _____ Yes _____ No If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: _____

A. **SECOND CLAIM:** On (date of the incident) _____
defendant (give the name and position held of each defendant involved in this incident) _____

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to exhaust administrative remedies;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

- plaintiff
- defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

• Religion	• Access to the Courts	• Search & Seizure
• Free Speech	• False Arrest	• Malicious Prosecution
• Due Process	<u>• Excessive Force</u>	<u>• Denial of Medical Treatment</u>
• Equal Protection	<u>• Failure to Protect</u>	• Right to Counsel

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

Jerome Thompson # 08A-4742

Signature(s) of Plaintiff(s)